

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

REGULATIONS GOVERNING THE REIMBURSEMENT
OF EXPENSES AND FEES
FROM THE DISTRICT COURT FUND

Revised Effective October 2009

(A) ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES

(1) When a trial bar attorney has been appointed, pursuant to of the *Plan for the Establishment and Administration of the District Court Fund* hereinafter referred to as the “*Fund*”, to represent an indigent party in a proceeding before this Court, including, but not limited to, a request for counsel pursuant to 28 USC 1915(d) or an Appointment of Counsel pursuant to Local Rule 83.5 (J), that attorney may petition the Court for reimbursement of fees and expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

(2) When a guardian ad litem has been appointed pursuant to Section J of the *Plan for the Establishment and Administration of the District Court Fund* (hereinafter “*Plan*”), to represent the interests of a minor or other incompetent party in a civil proceeding in this court, that guardian may petition the Court for reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

(3) The Chief Judge may approve payment or reimbursement up to \$100.00 each for the purchase of mementos for each visiting judge or other dignitary up to a total of \$1000.00 for any group of judges or dignitaries. The Chief Judge will not approve payment or reimbursement for any gift that, in the Chief Judge’s opinion, might place any of the court’s officers or employees in violation of the applicable Code of Conduct. If the total sought exceeds the maximums stated above, the Chief Judge shall forward the requests to the Advisory Committee with a recommendation for consideration.

(4) Other expenses falling within the *Plan* shall be submitted to the Bench and Bar Committee and the Advisory Committee for consideration either before or after the expense is incurred.

(B) LIMITATIONS ON ELIGIBILITY

(1) Not Applicable if Criminal Justice Act Funds are Available

In any proceeding where expenses are covered by the Criminal Justice Act (Title 18 U.S.C. 3006A), they shall be paid from such funds in accordance with CJA guidelines and not from the *Fund*.

(2) Limit on Total Expenses and Fees Covered by the *Fund*

The presiding Judge in a case in which either an attorney or a guardian ad litem has been appointed pursuant to the *Plan* is authorized to approve the following:

- a. reimbursement of out-of-pocket expenses not to exceed \$1,000.000 per proceeding.
- b. payment of reasonable attorneys fees incurred by the guardian ad litem not to exceed the CJA rate then in effect.

If the total of the reimbursement for expenses or the total of the payment of fees requested exceeds the maximums stated above, the presiding Judge shall forward the requests for review to the Bench and Bar Committee for their recommendation. This recommendation will then be sent to the Advisory Committee for consideration. In no event will more than the CJA maximum rate be paid in a single proceeding.

(3) Limited to Actions Before the District Court

Only those expenses and fees associated with this District shall be approved for reimbursement. No fees, costs or expenses associated with an appeal shall be reimbursed from the *Fund* unless otherwise approved by the Advisory Committee upon prior application by the appointed attorney or guardian.

(4) Overhead Costs, Costs of Computer Assisted Legal Research, and Costs of Printing Briefs Not Covered

General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, and any general expense that would not normally be reflected in the fee charged to a client are not reimbursable from the *Fund*. Any costs incurred in conducting computer assisted legal research is not reimbursable from the *Fund*. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.

(5) Not Available to Pay Costs Awarded Against Party

Under no circumstances shall any payments be authorized from the *Fund* to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this Court.

(C) PROCEDURES FOR OBTAINING REIMBURSEMENT

(1) Request for Reimbursement of Fees and Expenses

Any request for the payment of fees and/or reimbursement of expenses shall be on the voucher form approved by the Advisory Committee and available on request from the Clerk of Court and posted on the Court's website: www.ilcd.uscourts.gov. The request shall be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable and that the amounts for expenses have actually been paid out. The request shall be filed with the Judge to whom the case is assigned. Requests may be made at any time during the pendency of the proceedings and up to sixty (60) days following the entry of judgment in the proceedings. The assigned Judge may for good cause shown, extend the time for filing a request.

(2) Requests for Reimbursement by Attorney No Longer Representing Party

When an attorney appointed under this Court's pro bono rules is permitted to withdraw from representing the party in a proceeding and the attorney is entitled to payment of fees or has incurred expenses which may be reimbursable under these regulations, said attorney shall file a request for reimbursement within sixty (60) days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the court will not allow reimbursement of fees or expenses where the request was filed more than sixty (60) days after the entry of the order of withdrawal.

(3) Requests for Payment of Attorney Fees of a Guardian Ad Litem

Petitions for payment of attorney fees of a guardian ad litem shall be made by motion filed with the court no later than ninety (90) days after the conclusion of the civil matter. The motion shall be accompanied by the voucher form approved by the Advisory Committee along with sufficient documentation to permit the court to determine that the fees and expenses requested are reasonable and appropriate.

(4) Requests May Be Made Ex Parte

Any request made under sections (1), or (2), or (3) of this regulation may be made *ex parte*.

(5) Action by Assigned Judge, Bench and Bar Committee, and/or Advisory Committee

Any of the above may refuse to permit reimbursement of any expense or payment of attorney fees that lacks documentation of appropriateness and reasonableness or that

lacks evidence that the expense was actually paid or the fees actually incurred.

(6) Processing by the Clerk

Upon receipt of approval of payment of expenses or fees the Clerk shall check to determine whether or not any payments have previously been made out of the *Fund* to cover expenses in the same proceeding. If no such payments have been made, the Clerk shall promptly issue the required check or checks in the amount(s) indicated on the voucher. Where reimbursements have previously been made from the *Fund* for expenses in the proceeding, the Clerk will check to see if the amounts authorized by the current voucher together with amounts previously paid would require additional review by the Bench and Bar Committee and approval by the Advisory Committee or where the additional voucher would cause the case limit set by these Regulations to be exceeded.

Where such approval is required, the Clerk shall promptly advise the assigned Judge for possible reconsideration and/or possible transmittal to the Bench and Bar Committee and/or the Advisory Committee.

(D) FEES, EXPENSES, AND COSTS COVERED BY REGULATIONS

(1) Criminal Justice Act Limits to Apply in Absence of Specific Limits

Except as specified by these regulations, the amounts and types of expenses covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act (18 U.S.C. 3006A) [See *Guide to Judicial Policies and Procedures*, Vol. VII, Section A, Chapters 2 and 3].

(2) Deposition and Transcript Costs

The costs of transcripts or depositions shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel will be authorized.

(3) Travel Expenses

Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. **Travel other than by privately owned automobile may be claimed on an actual expense basis and must be approved prior to the travel by the Judge to whom the case is assigned.**

Subsistence is not allowed; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

(4) Service of Papers; Witness Fees

Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the *Fund*.

(5) Interpreter Services; Expert Witness Fees

Costs of interpreter services and expert witness fees up to the CJA maximum rate, not otherwise avoided, waived, or recoverable may be reimbursed from the *Fund*. Attorney should file a motion with the Court prior to incurring such expenses.

(6) Costs of Photocopies, Photographs, Telephone Toll Calls, Telegrams

Except as provided by section (4) of Regulation B, actual out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, and telegrams necessary for the preparation of a case may be reimbursed from the *Fund*.

(7) Other Expenses

Expenses other than those described in section (2) through (6) of this regulation may be approved by the assigned Judge. When requesting reimbursement of any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement filed with the Judge.